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Counsel for Defendant
Jizhong Chen

Attorneys for Non-Party
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIZHONG CHEN,

Defendant.

Case No. 5:19-cr-00056-EJD (NC)

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO FEDERAL RULE OF
CRIMINAL PROCEDURE 17(C)
SUBPOENA TO NON-PARTY APPLE
INC.**

STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME TO RESPOND TO
SUBPOENA
CASE NO. 5:19-CR-00056-EJD

1 Pursuant to Criminal Local Rule 47-4, Defendant Jizhong Chen (“Mr. Chen”) and non-
2 party Apple Inc. (“Apple”), by and through their undersigned counsel, hereby stipulate as
3 follows:

4 WHEREAS, Mr. Chen applied for the issuance of a subpoena to Apple in the above-
5 captioned matter pursuant to Federal Rule of Criminal Procedure 17(c) (the “subpoena”);

6 WHEREAS, on February 1, 2022, the Court ordered issuance of the subpoena to Apple;

7 WHEREAS, the Court ordered Apple to produce documents in response to the subpoena
8 on or before March 28, 2022 at 1:30pm;

9 WHEREAS, the Court granted a stipulated extension for Apple to respond to the
10 subpoena on or before June 6, 2022 at 1:30pm, and to file a motion to quash the subpoena by May
11 2, 2022;

12 WHEREAS, Apple filed on May 2, 2022 a motion to quash certain subpoena requests;

13 WHEREAS, Apple produced on June 6, 2022 documents responsive to those subpoena
14 requests that Apple had not moved to quash;

15 WHEREAS, Magistrate Judge Cousins issued an order on December 6, 2022 (the
16 “Order”) granting in part and denying in part Apple’s motion to quash and setting certain
17 compliance dates;

18 WHEREAS, the Order provided that Mr. Chen or Apple may submit an objection to the
19 Order by December 20, 2022;

20 WHEREAS, the Order provided that Apple produce responsive non-privileged documents
21 by January 6, 2021 and a privilege log by January 13, 2023;

22 WHEREAS, following issuance of the Order, counsel for Mr. Chen and Apple have met
23 and conferred on multiple occasions in an effort to reach an agreed resolution regarding the
24 outstanding subpoena requests;

25 WHEREAS, those discussions have made material progress toward resolving Mr. Chen’s
26 and Apple’s disagreements but have not yet resulted in an agreement;

27 WHEREAS, Mr. Chen and Apple anticipate that there is a material chance that further
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efforts to meet and confer will result in an agreement that will avoid further involvement of the Court;

WHEREAS, Apple anticipates that gathering and producing documents in response to requests that were not quashed will require a significant amount of time;

WHEREAS, Apple's operations will be shut down between December 23, 2022 and January 2, 2023 in observance of the holidays;

WHEREAS, Mr. Chen does not believe that the extensions requested herein will materially impact the schedule for the trial of this matter; and

WHEREAS, the United States has informed counsel for Apple that it has no objection to the extensions requested herein;

IT IS HEREBY STIPULATED AND AGREED between Mr. Chen and Apple, and Mr. Chen and Apple hereby move the Court that the dates below be extended as follows:

(1) The date for Mr. Chen or Apple to submit an objection to the Order be extended from December 20, 2022 to on or before January 13, 2023; and

(2) The date for Apple to produce responsive non-privileged documents and a privilege log be continued from January 6, 2023 and January 13, 2023 to February 17, 2023 and March 3, 2023, respectively.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: December 16, 2022

NOLAN BARTON & OLMOS LLP

/s/ Daniel B. Olmos
Daniel B. Olmos

Attorney for Defendant Jizhong Chen

Dated: December 16, 2022

O'MELVENY & MYERS LLP

/s/ David R. Eberhart
David R. Eberhart

Attorney for Non-Party Apple Inc.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 UNITED STATES OF AMERICA,
6 Plaintiff,
7 v.
8 JIZHONG CHEN,
9 Defendant.

Case No. 5:19-cr-00056-EJD (NC)

**[PROPOSED] ORDER TO EXTEND
TIME TO RESPOND TO FEDERAL
RULE OF CRIMINAL PROCEDURE
17(C) SUBPOENA TO NON-PARTY
APPLE INC.**

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11 Good cause appearing, it is ordered that (1) the deadline by which defendant Jizhong Chen
12 and non-party Apple Inc. (“Apple”) must submit any objection to this Court’s Order of December
13 6, 2022 (ECF No. 98) be extended to January 13, 2023, (2) the deadline for Apple to produce
14 responsive, non-privileged documents pursuant to the requests that were not quashed by that
15 Order is extended from January 6, 2023 to February 17, 2023, and (3) the deadline for Apple to
16 serve a privilege log on Mr. Chen is extended from January 13, 2023 to March 3, 2023.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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20 Dated:

21 Hon. Edward J. Davila
22 United States District Judge
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